

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include changes to FIGS. 1 and 2. In FIGS. 1 and 2, the label "Related Art" is added.

Attachment: Replacement sheets (2)

### **REMARKS**

Claims 1, 2, 5, 8-11, 16-18, 21-25, 31-33, 36 and 37 are pending. By this Amendment, claims 1, 2, 5, 8-11, 16-18, 21-25, 31-33, 36 and 37 are amended, claims 3, 4, 6, 7, 12-15, 19, 20, 26-30, 34, 35 and 38 are cancelled without prejudice or disclaimer, and FIGS. 1 and 2 are replaced. No new matter is added.

Applicants thank Examiner Danielsen for the indication that claims 13 and 14 recite allowable subject matter.

Claims 1, 2, 5, 8-11, 16-18, 21-25, 31-33, 36 and 37 are amended to improve form. FIGS. 1 and 2 are replaced to address an objection noted below. Support for the amendment is found in Disclosure as originally filed.

For the following reasons, reconsideration is respectfully requested.

#### **Allowable Subject Matter**

Claims 13 and 14 are indicated as reciting allowable subject matter.

#### **Drawing Objections**

FIGS. 1 and 2 are objected to. FIGS. 1 and 2 are replaced, and now include the label "Related Art."

#### **Claim Rejection Under 35 U.S.C. § 102**

Claims 1, 5-7, 12, 15-17, 21, 27-32, and 36-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ito et al. (US Patent No. 5,715,221; hereinafter Ito '221). The rejection of

cancelled claims 6, 7, 12, 15, 27-30 and 38 is moot. The rejection of pending claims 1, 5, 16, 17, 31, 32, 36 and 37 is respectfully traversed.

It is respectfully submitted that Ito '221 fails to disclose or suggest a method for managing an optical recording medium having at least one temporary defect management area (TDMA), at least one defect management area (DMA) and at least one spare area, said method comprising writing defect management information in the at least one temporary defect management area for access to the data written in the spare area, wherein said defect management information includes location information indicating a next available address of the at least one spare area; and writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized, as recited in claim 1.

Also, it is respectfully submitted that Ito '221 fails to disclose or suggest a recording medium comprising a temporary defect management area configured to store defect management information to manage a defective area when the recording medium is under a non-finalized state; and a defect management area configured to store the defect management information to manage the defective area when the recording medium is under a finalized state; wherein data in the defective area is written in said at least one spare area as the replacement data, said defect management information includes location information indicating a next available address of the spare area, and the defect management information written in the temporary defect management area is written to the defect management area when the recording medium is to be finalized, as recited in claim 21.

Also, it is respectfully submitted that Ito '221 fails to disclose or suggest an apparatus for managing an optical recording medium having at least one temporary defect management area (TDMA), at least one defect management area (DMA), and at least one spare area, said apparatus comprising a controller, operatively coupled to the pickup, configured to control the pickup to write the data written in a defective area to the at least one spare area as replacement data if the defective area within a data area of the optical recording medium is detected; and control the pickup to write defect management information in the at least one temporary defect management area for access to the data written in the spare area; and control the pickup to write the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized, wherein said defect management information includes location information indicating a next available address of the at least one spare area, as recited in claim 36.

First, Ito '221 fails to disclose a temporary defect management area configured to store defect management information to manage a defective area when the optical recording medium is under a non-finalized state; and a defect management area configured to store the defect management information to manage the defective area when the optical recording medium is under a finalized state. Instead of the temporary defect management area (TDMA), which is recited in addition to the defect management area (DMA), Ito simply discloses four DMAs (DMA 1-4) (see col. 8, lines 44-65 and FIG. 11A of Ito '221).

Moreover, since Ito '221 lacks the TDMA, Ito '221 lacks the recited writing of the defect management information written in the at least one temporary defect management area to the at least one defect management area when the recording medium is to be finalized. Rather, Ito '221

simply continually updates the DMA on the optical disc (see col. 10, lines 5-13 of Ito '221), which is possible because the optical disc of Ito '221 is rewritable.

Second, Ito '221 lacks the recited defect management information includes location information indicating a next available address of the spare area. Thus, Ito '221 fails to disclose each and every feature of claims 1, 21 and 36

Accordingly, based on all of the above, claims 1, 21 and 36 are patentably distinguishable over Ito '221. Claims 5, 16 and 17, which depend from claim 1, claims 31 and 32, which depend from claim 21, and claim 37, which depends from claim 36, are likewise patentably distinguishable over the applied reference for at least the reasons discussed above and/or for the additional features they recite. Withdrawal of the rejection is respectfully requested.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 3, 4, 10, 19, 22, 25, 26, and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito '221 in view of Applicants' disclosed related art (ADRA).

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito '221 in view of Ito (U.S. Publication No. 2003/0137909; hereinafter Ito '909).

Claims 11, 20, 23 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito '221, in view of ADRA, and further in view of Ito '909.

Claims 18 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito '221 in view U.S. Patent No. 4,404,357.

These rejections as to cancelled claims 3, 4, 19, 20, 26, 34 and 35 are moot. These rejections of pending claims 8, 9, 10, 11, 18, 22, 23, 25 and 33 are respectfully traversed.

As an initial matter, it is respectfully noted that U.S. Patent No. 4,404,357 was granted to Taylor et al., and appears not to be a relevant reference. Accordingly, the Examiner is requested to clarify the rejection involving U.S. Patent No. 4,404,357.

Secondly, as discussed above, Ito '221 fails to disclose or suggest each and every feature of claim 1, from which claims 8-11 and 18 depend, and fails to disclose or suggest each and every feature of claim 21, from which claims 22, 23, 25 and 33 depend. Since the ADRA, Ito '909, or for that matter, U.S. Patent No. 4,404,357, fails to remedy at least the noted deficiencies of Ito '221, it is respectfully submitted that claims 8, 9, 10, 11, 18, 22, 23, 25 and 33 are patentably distinguishable over the applied references and their combinations for at least their dependence from their respective independent claims and/or for their added features. Withdrawal of the rejections is respectfully requested.

### Conclusion

In view of the above amendment and/or remarks, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Application No. 10/670,332  
Amendment dated February 27, 2009  
Reply to Office Action of November 28, 2008

Docket No.: 0465-1029P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By   
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Attachment: Replacement Drawings (2 Sheets) – Figs. 1-2